

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 MEDIDATA SOLUTIONS, INC.

5 Plaintiff,
6 Civil Action No.:
1:15-cv-000907-ALC

-against-

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8
9 FEDERAL INSURANCE COMPANY,

10 Defendant.
11 -----x

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16 VIDEOTAPED DEPOSITION of a Non-Party
17 Witness, [REDACTED], taken by the Defendant,
18 pursuant to Subpoena, held at the offices of
19 Gordon & Rees, LLP, One Battery Park Plaza, New
20 York, New York, 10004, on June 25, 2015, at
21 1:41 p.m. before a Notary Public of the State
22 of New York.
23
24
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2 confuse you in any way. So if you don't
3 understand what I'm asking you, please tell me.
4 I'll be happy to rephrase it so you can
5 understand what I'm asking. But if you don't
6 say anything I'm going to assume you understood
7 the question as it was asked. Okay?

8 A. Okay.

9 Q. Finally, there may come a time when
10 Medidata's attorney would like to interpose an
11 objection to one of my questions, which he's
12 entitled to do. Unless you're told not to
13 answer the question or you don't understand the
14 question, you can go ahead and answer it.
15 Okay?

16 A. Okay.

17 Q. If you'd like to take a break, at any
18 time I'm happy to do that. My only request is
19 that if I have a question pending you answer it
20 before we take the break. Okay?

21 A. Okay.

22 Q. Can you give me a brief summary of your
23 educational background?

24 A. I have a BS in Graphic Design. Started
25 off as a business major at Virginia State

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2 University.

3 Q. When did you graduate?

4 A. '94, I think.

5 Q. Do you have any training in accounting?

6 A. Yes.

7 Q. What type of training do you have in
8 accounting?

9 A. Just CPE courses that I've taken
10 throughout my career at different companies.
11 They offer training and I just went for
12 different coursework. Auditing, accounts, cost
13 accounting. Different kinds of accounting
14 courses throughout the years.

15 Q. Have you ever taken any courses on fraud
16 prevention?

17 A. Yes.

18 Q. And how many courses have you taken on
19 fraud prevention?

20 A. I have taken the courses offered to me
21 from Medidata after the wire fraud took place
22 and I have had those same courses taken or
23 similar courses taken at my current employment.

24 Q. Did you have any training in fraud
25 prevention prior to September of 2014?

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2 A. No.

3 Q. You mentioned Medidata. When did you
4 work at Medidata?

5 A. From October of 2009, I believe, until
6 October of 2014.

7 Q. Where do you currently work?

8 A. At [REDACTED].

9 Q. What do you do there?

10 A. I'm an [REDACTED].

11 Q. How long have you been there?

12 A. Since December of 2015.

13 Q. When you first became employed by
14 Medidata, did you receive any training on their
15 policies and procedures?

16 A. No. So I started off as a [REDACTED]
17 for about four months and then they hired me
18 after -- I think it was February 22nd of 2010 I
19 became a full-time employee of Medidata.
20 During that time, no, there was no training as,
21 you know, code of conduct or policies. In
22 fact, I didn't even know where those policies
23 were kept, so.

24 Q. When you first became a full time
25 employee of Medidata what was your position?

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2 A. [REDACTED].

3 Q. Can you tell me what [REDACTED] stands for?

4 A. I'm sorry, it's [REDACTED]

5 [REDACTED]. And so basically I processed
6 all the expense reports for the company and
7 their reimbursements.

8 Q. How long did you hold that position?

9 A. Three years.

10 Q. Were you promoted at that point?

11 A. Yes.

12 Q. What were you promoted to?

13 A. [REDACTED].

14 Q. What were your responsibilities as
15 [REDACTED]?

16 A. Basically, just making sure that all
17 invoices were coded correctly, entered into the
18 system. New supplier forms or new vendor forms
19 were filled out and signed before being entered
20 into the accounting system. Insuring all
21 payments were made. During my 10 years as
22 [REDACTED] we went from check
23 vendor to implementing electronic payments. So
24 I oversaw that whole project and rolled out
25 where we were able to make electronic payments.

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2 Q. When you say electronic payments, were
3 those ACH transfers or electronic?

4 A. ACH transactions. We always made wire
5 transactions, but ACH is basically batch
6 payments sent electronically to a bank rather
7 than going into a bank portal and individually
8 wiring funds.

9 Q. When did you first become involved in
10 issuing wire transfers for Medidata?

11 A. Once I became [REDACTED].

12 Q. Were you ever an authorized signatory on
13 any Medidata bank accounts?

14 A. No.

15 Q. So because you weren't an authorized
16 signatory you were not able to approve wire
17 transfers, correct?

18 A. Exactly. So basically I would be go in
19 and set up. Anyone in AP would be able to go
20 in and set up a transaction in the bank or in
21 our accounting system, which would then be
22 uploaded to the bank portal. But no one in
23 accounts payable was ever actually authorized
24 with the bank or the company to release any
25 funds, so no money was actually moved during

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2 that time. There would be authorized
3 signatories of the bank accounts that would
4 actually go into the bank portal and release
5 funds, approve them to be released.

6 Q. So in order for money to actually be
7 moved, one of the authorized signatories would
8 have to go into the bank portal to release the
9 transactions?

10 A. Correct.

11 Q. Did that apply to ACH transfers as well?

12 A. Correct. All disbursements.

13 Q. Let's just separate ACH from wire
14 transfer for a moment. If you were setting up
15 batch ACH transactions for Medidata you would
16 set those up in Medidata's software system?

17 A. Yes.

18 Q. And then once the entirety of the batch
19 was set up the transactions would then be
20 electronically transmitted to the bank?

21 A. Yes.

22 Q. And when the transactions had been
23 received by the bank, the third step would be
24 for someone, an authorized signer, to go in and
25 approve the transactions to go out?

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2 A. Exactly.

3 Q. Did all transfers, as far as you know,
4 require two authorized signers?

5 A. Anything over \$25,000, USD or the
6 equivalent.

7 Q. For a wire transfer, when you were
8 setting up a wire transfer, could you actually
9 set the wire transfer up using Medidata's
10 software system or would you have to go into
11 the bank's?

12 A. For wires, no. I would have to go into
13 the bank portal.

14 Q. And so in order to sign in to the bank
15 portal, did you have to go on to the Internet?

16 A. Yes.

17 Q. And the bank was Chase, correct?

18 A. Yes. Well, we had two banks, but for
19 that transaction, yes, it was Chase.

20 Q. When you went to the Chase system, as I
21 understand it, you would go on to the Internet
22 and find the Chase website?

23 A. Yes.

24 Q. Did you have to enter any sort of user
25 ID or password to log into Chase?

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2 A. Correct. And we also, Chase gives you a
3 token that has a number that changes every few
4 seconds. And you have to have your user ID,
5 your password, which is registered with Chase,
6 and that identifying registered fob, if you
7 will. That actually is registered under your
8 name, your user ID and when the number changes
9 you have to put all three of those identifying
10 codes in there in order to get access.

11 Q. So as I understand it, in order to even
12 set up a wire transfer you personally have to
13 go into the system, use your personalized user
14 ID, your personalized password, plus whatever
15 number appeared on the fob, just to log in?

16 A. Correct.

17 Q. When you logged in to the system at
18 Chase, you could only set up the wire, correct?

19 A. Correct.

20 Q. How would you set up a wire using the
21 Chase system?

22 A. They have a portal once you are logged
23 in where you can create a payment. You'd go
24 into the create a payment module. You could
25 create a payment from a preexisting template,

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2 which is someone you've paid already and you've
3 stored that information. Or you could create a
4 brand-new one from scratch and you would just
5 select the debiting account, the crediting
6 beneficiary account information would be
7 entered in, dollar amount, any other kind of
8 extra information that you wanted to put in on
9 the wire transaction, and then you would submit
10 it.

11 Q. When you say submit it, what would
12 happen after you submitted it?

13 A. After it was submitted then the
14 authorized signatories would be able to view it
15 when they logged on to Chase. Before
16 submitting it they would not be able to view
17 it.

18 Q. So in order for the authorized
19 signatories to even see a proposed wire
20 transfer, you would have to go in using your
21 personalized ID, personalized password and fob,
22 and set up the wire transfer, correct?

23 A. Correct.

24 Q. When you say submit it, was there some
25 sort of key that you would have to press in

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2 order to kind of move the proposed wire
3 transfer along?

4 A. Yes, just button says submit.

5 Q. Do you know how many authorized
6 signatories there were at Medidata in the
7 September 2014 time frame?

8 A. If I can recollect, there were president
9 of the company, chairman of the board, CFO,
10 there were the controller, assistant
11 controller. We had recently added a couple of
12 new people so there was the [REDACTED], I
13 believe, [REDACTED] and my
14 manager at the time, another VP of finance.

15 Q. Who was your manager at the time?

16 A. Rob Shaw.

17 Q. Did the system, once you had finished
18 setting up a wire transfer, advise the
19 authorized signatures that a wire was ready for
20 review or did you have to go around and find
21 people to sign it?

22 A. No. Chase would not automatically
23 notify anyone that there's payment ready for
24 review, approval or whatever the case may be.
25 You'd have to notify them either by e-mail or

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2 you could just get up and walk and find them
3 and let them know there's a payment waiting for
4 them to view and they'd have to go and log into
5 the bank.

6 Q. When you first became a full-time
7 employee of Medidata, were you assigned an
8 e-mail account?

9 A. Yes.

10 Q. How would you access when you turned on
11 your computer your e-mail account, your
12 business e-mail account?

13 A. When we started off I know -- trying to
14 think what system we used. When I left they
15 were using Google mail, but that wasn't what we
16 were using previously. But I would just go in,
17 you know, an app on the desktop. Click it,
18 open it and log in with my credentials. You
19 could stay signed in, I believe. So basically
20 you just had to, you know, when you log in in
21 the morning and you click on the ap to open up
22 the e-mail, it should just open up.

23 Q. In September of 2014 was the Medidata
24 e-mail through Gmail?

25 A. Yes.

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2 Q. Would you access this icon that you
3 click on your desktop, was it a link to Gmail?

4 A. Yes. There's an application. The
5 information is already stored and saved, so
6 when you open up your Gmail it would just open
7 up.

8 Q. Were you ever provided when you were a
9 full-time employee of Medidata anything which
10 identified who within the company had authority
11 to approve on disbursements?

12 A. Is word of mouth. So I never had a
13 document, if you will, saying these are the
14 assigned or the approved signatories of these
15 bank accounts.

16 Q. The wire transfer we're here to talk
17 about was in excess of \$4 million. I'm
18 wondering, were you ever provided anything to
19 indicate who within the company could approve a
20 \$4 million expenditure?

21 A. Again, word of mouth. Just when I took
22 on the position nothing was really set in
23 stone, nothing was, as far as policies and
24 procedures. We had a control stock document.
25 Did not list anything as far as who are the

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2 A. Yes.

3 Q. What were those days?

4 A. I don't remember anymore, but for
5 vendors I believe it was twice a month.6 Wires -- for U.S. vendors I should say was
7 about twice a month. International vendors,
8 once a month. But you might have had the
9 occasional wire that would come through, a wire
10 request or payment request that was off cycle.11 Q. And did off cycle payments have to be
12 separately approved by someone?13 A. Same people that would normally approve
14 them.15 Q. Had you ever, prior to September 16 --
16 September 2014, been involved in the funding of
17 the acquisition of a company?

18 A. No.

19 Q. Were you ever provided anything by
20 Medidata which suggested you the appropriate
21 protocols when funding the acquisition of a
22 company?

23 A. No.

24 Q. Prior to September 16, 2014, were you
25 aware of whether Medidata was involved in

1 [REDACTED]

2 trying to buy companies?

3 A. I know -- no, I didn't know if they were
4 involved in trying to buy a particular company.
5 But they had brought (sic) one while I was
6 there, but not as [REDACTED].

7 Prior to that we had had during the 2014
8 year, our kick-off meeting and quarterly town
9 hall meetings, if you will. There was lots of
10 talk that the company is, you know, at this
11 particular point and we may be looking to, you
12 know, purchase a company, but not, you know, no
13 one was set in mind what it would be. Just
14 saying it might happen. It may not happen. So
15 the thought was just thrown out there.

16 Separately in finance meetings we had
17 the same talk. That we needed to be ready if
18 and when the company decided to purchase
19 something, that anyone that was called upon
20 needed to make themselves available to make
21 sure that it happened because it was a timely
22 situation and it's confidential. So you can't,
23 you know, as far as like getting it approved by
24 the SEC. You cannot go around and share that
25 information of any type of purchase of a

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2 company or merger.

3 Q. So as I understand it, during a
4 kick-off, was it you said a kick-off meeting?5 A. We had kick-off town hall meetings.
6 There's a kick-off at the beginning of the year
7 and then there's quarterly town hall meetings
8 where the entire company gets together, either
9 physically or on a webcast, and the president
10 and CEO of the company would give you the
11 position of the company and their initiatives
12 and goals.13 Q. And it was during that town hall meeting
14 that it was mentioned the company might be
15 looking into acquiring?16 A. I should say the thought was just thrown
17 out, like maybe, maybe not. It was a
18 suggestion, but nothing definitely.19 Q. And it was also mentioned during finance
20 meetings?21 A. Finance meetings had a little bit
22 more -- I should say a little stronger in that
23 it probably will happen. We don't know when
24 and who it's going to be, but it's a strong
25 possibility.

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2 Q. When you first received an e-mail from
3 Mr. -- allegedly from [REDACTED] referencing
4 an acquisition, was it your impression that he
5 had been talking about the purchase that was
6 mentioned in the finance meetings?

7 A. I think that the general consensus or
8 gossip around finance would be that I think the
9 whole team was expecting that they were going
10 to make a purchase of a company or, you know,
11 either acquire a company or merge with one. So
12 we were all kind of just waiting to hear the
13 announcement of when it was going to happen or
14 who and all the details.

15 So when that e-mail that I thought was
16 from [REDACTED] came in, I didn't think
17 anything untoward of it because I had already
18 been anticipating it, so it didn't seem like,
19 you know, wow.

20 Q. So in your mind the acquisition as
21 referenced in the e-mail is this otherwise
22 legitimate purchase that had been mentioned in
23 finance?

24 A. Correct.

25 Q. And so in your mind, if I understand it,

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2 when you were setting up the wire, it was your
3 impression that you were funding this otherwise
4 legitimate purchase that had been referenced in
5 finance?

6 A. Yes.

7 Q. Let me show you what I'm going to mark
8 as Exhibit 14.

9 (E-mail allegedly received from [REDACTED]
10 [REDACTED] was marked as Defendant's Exhibit 14 for
11 identification, as of this date.)

12 Q. This is a computer printout or probably
13 a screen shot of an e-mail. Is Exhibit 14 a
14 true and correct copy of the original e-mail
15 you received allegedly from [REDACTED]?

16 MR. ZIFFER: Objection.

17 Objection. I didn't know if you were
18 done. Sorry.

19 MR. SCHMOOKLER: I am done.

20 A. It looks to be. It looks to be one of
21 the e-mails.

22 Q. Do you note at the bottom of the page
23 there is no signature or no name typed. Just
24 says best regards, and then there's like a
25 button?

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2 A. Yes.

3 Q. When you received the first e-mail from
4 [REDACTED], was there a name typed at the
5 bottom?

6 A. I don't recall. But if you were to
7 click on those three dots basically it would
8 just give you not your e-mail address, but it
9 would just say your name, title and where you
10 work, office location.

11 Q. Why do you say that?

12 A. Because that is what you would see if
13 you were to click on those three dots. It just
14 expands that information. So frequently I had
15 gotten e-mails from various people that you
16 would just see, you know, a salutation at the
17 end and you didn't see the full amount of the
18 e-mail because it just condenses it. But if
19 you wanted to see you could actually click in
20 there and expand the whole thing.

21 Q. Is it expansion or does the system add
22 the names?

23 A. It expands. The system only adds what
24 you set it up to add. So it's basically your
25 signature. So if you want all that information

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2 in there, whatever you want as your signature,
3 you would set that up at the time when you set
4 up your e-mail. And the system just collapses
5 it just for space saving I would imagine.

6 Q. So you don't know when you saw the
7 original e-mail allegedly from [REDACTED]
8 whether it had his name at the bottom?

9 A. No, I don't know.

10 Q. Do you see in the second full paragraph
11 it says I must bring up the fact that the
12 operation is regulated by the financial market
13 authority. Do you see that?

14 A. Yes.

15 Q. Do you know what that is?

16 A. No. It had sounded familiar. I knew it
17 wasn't the SEC, which is for the U.S., and I
18 had thought I had heard that this was for a
19 foreign company, a foreign country, excuse me.
20 Same type of governing body, but I wasn't sure.

21 Q. In the first sentence it says, in
22 regards to an acquisition that we are currently
23 undergoing, do you see that? Do you see the
24 word acquisition?

25 A. Uh-huh.

1

[REDACTED]

2 Q. What was your understanding from of what
3 this money was going to be used to do?

4 A. Well, acquisition is they are buying a
5 company.

6 Q. Did you have a chance before the wire
7 transfers went out to speak to [REDACTED]?

8 A. Before they went out, I walked over to
9 him and asked him if he had received an e-mail
10 from [REDACTED]. And he said that he did. And I
11 said, okay, so I've already set up the wire
12 according to what he said and it's waiting for
13 his approval or release in Chase.

14 Q. Did he say anything else to you about
15 the company buying another company?

16 A. No. What he did say was he asked me
17 what it was for and I said, well, I don't have
18 any more detail than he did. So then he
19 replied that is it, what he thinks it is. Which
20 I interpreted as the company buying another
21 company. And I said, I think so as well. And
22 so he said, okay, the amounts look about right
23 or something like that. And that was it.

24 Q. So based on your conversation with
25 [REDACTED], was it your mutual understanding at

1 [REDACTED]
2 that time that this money -- that the reason
3 you were going forward with this transaction is
4 because you both thought it was to fund a
5 purchase that had been discussed within the
6 company?

7 MR. ZIFFER: Objection.

8 THE WITNESS: Should I answer?

9 MR. ZIFFER: If you can.

10 A. I would just say that it was a mutual
11 understanding that it was for an acquisition,
12 but not any one in particular. That was,
13 again, I mentioned previously that there was
14 never a set confirmed information relayed to
15 any of us that said we were going to be
16 acquiring a company. It was always just a
17 suggestion. So we assumed that this is what
18 this was going to be for.

19 Q. Do you know if [REDACTED] was aware of any
20 greater detail about the company acquiring
21 another company?

22 A. No.

23 Q. Did you have any phone conversations
24 with anyone prior to the wire transfer going
25 out?

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[REDACTED]

2

A. Yes, with the person that first

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contacted me through e-mail. He had called.

4

Identified him himself. The first e-mail came

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through, which I thought it was from [REDACTED]

6

[REDACTED], and stating that I would be in contact

7

with some lawyer, I think he said a lawyer,

8

about this. And that I should make myself

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available and give him whatever information he

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needs to make sure that this went through. And

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then shortly thereafter I received a phone

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call. That was first phone call that I

13

received from this person. And basically just

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introduced himself and just -- I don't remember

15

what else was said.

16

Q. In the first e-mail you received, which

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I've put in front of you, it says in the first

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full paragraph, "If you can please devote your

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full attention to his demand to acquire some

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accounting information so that we can finalize

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this deal." Do you see that?

22

A. Yes.

23

Q. At the time of the first e-mail were you

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aware that you were being asked to transfer

25

money?

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2 A. At this point, I don't recall if that
3 crossed my mind, that I was going to -- I
4 assumed that at some point somebody would wire
5 the funds. It may not have been me. But only
6 someone in accounts payable had authority to
7 set up a wire. So for the people that had
8 access to the bank portal, you would have
9 someone to set it up and then someone to
10 actually receive -- not receive, release and
11 approve it. So the person couldn't be the
12 same. You couldn't set it up and release. And
13 so I knew that if it was going to be anyone it
14 would probably be me as the .

15 But at this point I don't recall that I
16 was thinking that was my thought, okay, I'm
17 going to transfer some money.

18 Q. And I just want to take it kind of
19 step-by-step. At the time you first received
20 the first e-mail it was your understanding that
21 you were going to be asked to provide some
22 information, correct?

23 A. Correct.

24 Q. At this point, as of the first e-mail at
25 11:12 a.m. you hadn't been asked or directed to

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2 transfer any money, correct?

3 A. I guess. I don't recall the actual
4 times but --

5 Q. It's on the e-mails.

6 A. Okay.

7 Q. I'm sorry. Let me show you this. This
8 will be easier for this. This is Exhibit 12,
9 is the e-mail chain. It has the time stamp.
10 Again, looking at the first e-mail on Exhibit
11 12, which is the original e-mail from the
12 alleged [REDACTED], you see how it's 11:12?

13 A. Yes, uh-huh.

14 Q. So at the time of the first e-mail,
15 11:12 a.m., you hadn't yet been directed or
16 instructed to transfer any money, correct?

17 A. Correct.

18 Q. And after this e-mail you'll see what
19 follows is a series of e-mails between you,
20 [REDACTED] and a guy, somebody named Michael
21 Meyer?

22 A. Correct.

23 Q. And the one at 11:52 --

24 A. Yes.

25 Q. You provide him your phone number. Do

1

2 you see that, ma'am?

3 A. Yes.

4 Q. After you provided the alleged Michael
5 Meyer with your phone number did you have a
6 conversation with him?7 A. Phone conversation. I would imagine. I
8 don't recall, but there were quite a few calls
9 from him. So makes sense that it was probably
10 at that time he would have called me.11 Previously I think the prior calls went through
12 the company directory, which is general number,
13 and just asked to speak with me.14 Q. Do you recall if the first mention of
15 transferring money was over the phone during
16 one of these phone conversations?17 A. Yes, I think it was. I do believe he
18 mentioned that it would have to be some sort of
19 transfer of funds and then I went on to explain
20 to him that I would need that in an e-mail from
21 [REDACTED] and not from him.22 Q. So, from a chronology perspective, the
23 first mention of wire transferring money was in
24 a phone call which was then followed up with an
25 e-mail?

1 [REDACTED]

2 A. Yeah, I believe so.

3 Q. And did you want it in e-mail so you
4 could document your file?

5 A. Yes. So what we would need is if we
6 made any kind of cash disbursement of any sort
7 and we didn't have an invoice to pay against
8 that was actually signed, we could accept
9 someone's -- or even if we did have an invoice
10 or something, we could accept someone's e-mail
11 as approval rather than a physical signature.

12 Q. If you look at page 329, I'm using the
13 Bates numbers. It says in the 1:32 p.m.
14 e-mail, you provide some banking information.
15 And then you say, "I can cut a manual check and
16 deliver it to [REDACTED] to sign off on in
17 order to maintain confidentiality. I can, if
18 necessary, deliver a blank check from Silicon
19 Valley bank to [REDACTED] and he can write the check
20 himself. Do you see that?

21 A. Yes.


22 Q. Why is it that you ultimately went
23 forward with a wire transfer instead of issuing
24 a check?

25 A. Because the person said a check would

1



2 not work.

3 Q. Did he explain why the check would not
4 work?5 A. He said it was overseas and I needed to
6 make sure the transaction went through. It was
7 time sensitive and a check would take some time
8 to clear.9 Q. The next e-mail you write, "I believe
10 that if  sent along a request via e-mail
11 with a request to process a wire transaction
12 for a bogus reason, they would not ask
13 questions at this time."

14 Do you see that?

15 A. Yes, uh-huh.

16 Q. What do you mean by bogus reason?

17 A. So they would just allude to -- you
18 didn't have to give the exact reason or reason
19 with full detail. Just authorizing that this
20 transaction needed to be made, certainly not
21 just saying okay pay this money and that's
22 that. But just they would need to have some
23 reason. Whether it was a real reason or not,
24 they would need a reason in order to actually
25 release any sort of funds from the bank.

1

2 moment. On the first page, 327 --

3 A. Uh-huh.

4 Q. -- do you see how your e-mail to
5 [REDACTED], it went to secureop@dr.com?

6 A. Yes, uh-huh.

7 Q. That's not a Medidata e-mail, correct?

8 A. Correct.

9 Q. Did you type [REDACTED]' e-mail in
10 when you sent back this e-mail or did you just
11 hit reply?

12 A. I just hit reply.

13 Q. Had you ever had any e-mail
14 correspondence with [REDACTED] prior to
15 September 16th?

16 A. Yes. As I mentioned before, I used to
17 process all of the travel and entertainment
18 expenses. So if there was a question that I
19 might have had or if there was an incident
20 where I had rejected an expense he put through
21 then I would have -- he would get an automatic
22 e-mail from the system. And then if he got the
23 e-mail before his admin then he would have
24 answered the e-mail or asked the question or
25 replied.

1

2 Q. Was there a second request for a wire
3 transfer?

4 A. Yes.

5 Q. And did that one go through?

6 A. No.

7 Q. And that one didn't go through because
8 ultimately [REDACTED] didn't approve the wire
9 transfer?

10 A. Correct.

11 Q. So is it fair to say then that under
12 Medidata's systems, even though an e-mail came
13 in and wire transfer was set up, [REDACTED]
14 approval was ultimately necessary for the money
15 to go out?

16 MR. ZIFFER: Objection.

17 A. It just needed to have two authorized
18 signatories. He just happened to be one of
19 them at the time, but it could have been any
20 other two.

21 Q. Fair enough. So is it fair to say then
22 under Medidata's systems that despite an e-mail
23 requesting a wire and you setting up the wire,
24 unless and until two authorized signers signed
25 into the Chase system and approved the wire no

1 [REDACTED]

2 money would go out?

3 A. Correct.

4 Q. Did you speak with [REDACTED] about
5 the wire transfer before he approved it?

6 A. Yes. He actually came over to me I
7 think on the -- I don't remember what day it
8 was, but when we set up the first wire. When I
9 set up the first wire and we had gotten the
10 e-mails. I think at that time the person --
11 well, [REDACTED], who we thought was [REDACTED], had sent
12 out an e-mail to [REDACTED] and [REDACTED], and I think
13 when they were in receipt of that e-mail [REDACTED]
14 was the first one to walk over and just ask me
15 if I had gotten that e-mail. And I said yes
16 and he said okay.

17 Q. Did you at the time [REDACTED] walked
18 over, show him any of the other e-mails you had
19 received from the alleged [REDACTED]?

20 A. No. He actually didn't come all the way
21 to my desk. He kind of was a few feet away.
22 He just kind of called out to me and asked if I
23 had gotten those e-mails from [REDACTED] and I said,
24 yes, and he said okay. And then he just walked
25 back to his seat.

1

2

(A communication from [REDACTED] [REDACTED] to [REDACTED]

3

[REDACTED] was marked as Defendant's Exhibit 15

4

for identification, as of this date.)

5

Q. Let me show you show you what I'm

6

marking as Exhibit 15. Do you know what this

7

is?

8

A. Yes. So basically I was sending it, it

9

looks like it must have been to [REDACTED]. Asking

10

him -- so we must have gotten, I must have

11

gotten some type of I don't know if it was an

12

e-mail or phone call from the person, Michael

13

Meyer, saying -- asking if it was processed.

14

If the wire had gone through. And so I had

15

reached out to [REDACTED] and told him when he's

16

done, because at that point he probably had

17

come to me first before [REDACTED].

18

And so he was probably in my mind would

19

have gotten to the bank portal and approved it

20

first and then the second person would actually

21

release it. And so I was just letting him know

22

that once he did his part, which is approve the

23

wire, let [REDACTED] know so he can go in and release

24

it.

25

Q. Is this Exhibit 15 an e-mail or is it an

1

[REDACTED]

2

3

All of the information input to set up the wire transfer you input, correct?

4

A. Yes.

5

6

7

Q. And you would have manually input all of the wire transfer information into the Chase system, correct?

8

A. Correct.

9

10

11

Q. And at the time you input manually the wire transfer information you believed that this was a legitimate transaction, did you not?

12

A. Correct.

13

14

Q. And did anyone at the company -- strike that.

15

16

17

How did you first learn that you were being approved to set up wires in the Chase system?

18

A. When I took on the position as [REDACTED]

19

[REDACTED] and we rolled out -- well, for wire

20

transactions, yes, when I took on the position

21

to be [REDACTED].

22

23

Q. Did someone explain to you at that time what your duties and responsibilities were?

24

25

A. No, just basically showed me how to set up the wires in the system using existing

1

2

There was no way for anyone without the fob to enter into the Chase system, correct?

4

MR. ZIFFER: Objection.

5

A. True.

6

Q. And in connection with the wire on September 16, you would have in order to -- you did in order to initiate the wire, use your own user name, user password and your fob, correct?

10

A. Correct.

11

Q. Did you ultimately speak with

12

██████████ about these wire transfers?

13

A. Not initially. No, not in person.

14

Q. At any point did you?

15

A. Yes. This was after the first wire had gone out and there was a request for a second wire and at that point I thought that this was going to be -- the initial request for the wire funds seemed low so I assumed it was going to be a few transactions. And so when the second request came in it wasn't surprising to me.

22

And so the conversation with ██████████ only occurred after ██████████ had saw the e-mail. The reply to e-mail is one that he didn't recognize. And he mentioned that and I said, okay, so now we need

25

1

2 to just go upstairs and see if [REDACTED] is in the
3 office and if he is then we will just ask him
4 and if he's, you know.

5 At that point we were worried and so we
6 decided that if we disturbed him or interrupted
7 one of his meetings then we were just going to
8 do it and just find out just to be sure. So
9 that's when we -- I had sent an e-mail. And I
10 did not reply to. I instigated and initiated
11 the e-mail from my own e-mail address. And I
12 had asked him, hey, have you been having any
13 sort of sending me e-mails in the past couple
14 of days in regards to an acquisition. And then
15 he replied no and that's when I went upstairs
16 to speak with him.

17 Q. At the time you first logged in to the
18 Chase system on September 16, you did so
19 because that was the only way for you to
20 initiate a wire transfer, correct?

21 A. Correct.

22 Q. You understood at the time that as you
23 entered information into the Chase system that
24 you were in fact initiating a wire transfer,
25 correct?

1

2 A. Correct.

3 Q. And you understood, did you not, that
4 when you pushed the submit button that that
5 would make the wire transfer you had initiated
6 available for the authorized signers to review,
7 correct?

8 A. Correct.

9 Q. And as you were going through that
10 process, the input of information and pushing
11 the submit, it was your impressions at that
12 time that you were doing so to fund this
13 alleged purchase?

14 A. Correct.

15 MR. SCHMOOKLER: Let's take a
16 few minute break. We've been going more
17 than an hour. I try to offer a break in
18 an hour.

19 THE VIDEOGRAPHER: Going off
20 record at 2:41 p.m.

21 (A recess was taken.)

22 THE VIDEOGRAPHER: We're back on
23 record at 2:47 p.m. You may proceed.

24 BY MR. SCHMOOKLER:

25 Q. Let me show you what I have marked as

1

2 Exhibit 6. Have you ever seen this? This is a
3 printout from a computer screen. Have you ever
4 seen this information before?

5 A. Yes, this is basically like an audit
6 trail that you can get from Chase showing what
7 transacted and the time and the date stamp on
8 it.

9 Q. And so am I reading this correctly then
10 that there was roughly 34 minutes between the
11 time you first input the wire transfer to the
12 time it actually went out the bank?

13 A. Yes.

14 Q. And so comparing that, you know, from a
15 timing perspective, the e-mail you originally
16 received which is Exhibit 12 was at 11:12 a.m.?

17 A. Uh-huh, yes.

18 Q. So it took, am I reading this correctly
19 then, more than four hours for all of this, all
20 of these discussions to occur and the wire
21 transfer to ultimately go out?

22 A. Correct.

23 Q. Let me show you what I've marked as
24 Exhibit 16.

25 (Printout of the wire transmittal was

1

2 marked as Defendant's Exhibit 16 for
3 identification, as of this date.)

4 Q. Have you seen this before, ma'am?

5 A. Yes.

6 Q. What is Exhibit 16?

7 A. This is the actual printout, if you
8 will, of the wire transfer.

9 Q. Do you see the section called payment
10 information?

11 A. Yes.

12 Q. Did you input all of the information in
13 the payment information box?

14 A. Some of those areas, like our account
15 information, would have been already
16 pre-populated. You just needed to select which
17 account you wanted to pay from and it would
18 autopopulate the rest of the information. The
19 actual amount of wire had to be entered each
20 time and bank references generated from the
21 system.

22 Q. How about in the beneficiary box, did
23 you have to enter all of that information?

24 A. Yes.

25 Q. And how about in the beneficiary bank

1

2 box, did you have to enter all of that
3 information?

4 A. Yes.

5 Q. So when you went into the system you
6 would have had to manually enter the
7 beneficiary ID, correct?

8 A. Correct.

9 Q. And when you went into the Chase system
10 you would have had to manually enter the name
11 of the beneficiary, correct?

12 A. Correct.

13 Q. And when you went into the Chase system
14 you would have had to manually enter the
15 payment amount, correct?

16 A. Correct.

17 Q. And when you went into the Chase system
18 you would have had to enter the bank ID for the
19 beneficiary bank, correct?

20 A. Correct.

21 Q. When you went into the Chase system did
22 you have to manually enter the bank name?

23 A. No. I don't recall if I had to do it
24 for this instance, but it's not always
25 necessary. The bank has a module to recognize

1

2 different banking IDs of other banks and so it
3 would auto populate the name of the bank and
4 address, country.

5 Q. When did you stop working at Medidata?

6 A. I believe it was the end of October of
7 2014.

8 Q. Did they terminate you, ma'am?

9 A. Yes.

10 Q. Did they explain to you why you're being
11 terminated?

12 A. Yes. So after an investigation, and
13 they explained that the board had decided that
14 although I was found to be not at fault of any
15 malicious behavior, that had to have some sort
16 of remediation and this is what they call
17 fraud, that everyone that was involved. This
18 is what I was told, that everyone that was
19 involved directly with the wire fraud incident
20 would need to be terminated, and so on that
21 same day myself, as well as [REDACTED] was
22 terminated. [REDACTED] was not terminated.

23 Q. Who did you meet with at the time of
24 your termination?

25 A. Eileen Schloss, which is the head of HR

1 [REDACTED]

2 it's also cross.

3 MR. SCHMOOKLER: Depends on how
4 it's used ultimately.

5 Q. Going back to my prior question. You
6 said that in your conversation with the
7 individual who purported to be Attorney Meyers
8 (sic), you needed additional details regarding
9 the beneficiary of the wire that was being
10 requested, correct?

11 A. Correct.

12 Q. Did you need something else before you
13 would be willing to set up the wire that was
14 being requested?

15 A. Yes, I need the request to come from
16 [REDACTED].

17 Q. And does Exhibit 13 reflect what you
18 were seeking in that conversation?

19 A. That, no. That is just a partial. That
20 is the -- just the beneficiary details of where
21 the wire is going to be sent. But I was asking
22 that I would need to have [REDACTED] contact
23 me and tell me to make this payment.

24 Q. And did you receive that communication,
25 as well?

1 [REDACTED]

2 A. Yes, through e-mail.

3 Q. And looking at Exhibit 13, what about
4 the e-mail indicated to you that it came from
5 [REDACTED]?

6 A. Excuse me? I don't understand.

7 Q. What about -- what information on the
8 page that is Exhibit 13 made you believe that
9 it came from [REDACTED]?

10 A. Okay, the e-mail address.

11 Q. And can you read to me the e-mail
12 address that you're looking at when you
13 reference that?

14 A. It has a picture of [REDACTED], and
15 it has his name, [REDACTED], and then the
16 e-mail address is listed as [REDACTED].

17 Q. And whenever you received the prior
18 e-mails from [REDACTED] that you discussed in
19 connection with your work in the [REDACTED],
20 the e-mails had the same appearance with his
21 picture, his name and e-mail address.

22 A. Well, it had the same e-mail address.
23 The picture wasn't there. Again, we used a
24 different e-mail, but yes, the e-mail looked
25 the same.

A				
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